

Assembly Bill No. 349

Passed the Assembly August 30, 1996

Chief Clerk of the Assembly

Passed the Senate August 21, 1996

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1996, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Sections 51012.4 and 51017 to the Government Code, relating to pipeline safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 349, Escutia. Hazardous liquid pipelines: pipeline assessment: centralized data base.

(1) Existing law requires the State Fire Marshal to establish and maintain a centralized data base on specified intrastate hazardous liquid pipelines. An operator of a pipeline used for the transportation of hazardous liquid substances is required to conform the pipeline with specified federal regulations adopted pursuant to the federal Hazardous Liquid Pipeline Safety Act with regard to installing cathodic protection. A knowing and willful violation of the state provisions governing hazardous liquid pipelines is a crime.

This bill would make a statement of legislative intent concerning the report by the State Fire Marshal on hazardous liquid pipeline risk assessment. The bill would require every operator of a pipeline to file with the State Fire Marshal, on or before July 1, 2000, an inspection, maintenance, improvement, or replacement assessment for any pipeline or pipeline segments built before January 1, 1960, and any pipeline installed on or after January 1, 1960, for which regular internal inspections cannot be conducted, or which shows diminished integrity. The bill would require the State Fire Marshal, in consultation with the Pipeline Safety Advisory Committee and pipeline operators, to establish, by January 1, 1998, evaluation criteria for use by a pipeline operator when conducting an assessment.

Since a violation of the requirement to submit an assessment would be a crime, the bill would impose a state-mandated local program.

The bill would require the State Fire Marshal, in coordination with specified state agencies, to develop a plan for developing a comprehensive data base of



pipeline information that would be available on compatible, interactive computer formats, and for centralizing that data base in the Office of the State Fire Marshal. The State Fire Marshal would be required to report to the Legislature by September 1, 1997, concerning implementation of the data base.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would provide that it shall become operative only if AB 1487 of the 1995–96 Regular Session is enacted and becomes effective on or before January 1, 1997.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) In the past several years, pipeline spills in California have posed safety hazards to local populations and seriously impacted the environment.

(b) The State Fire Marshal's Hazardous Liquid Pipeline Risk Assessment report published in 1993 found that the leading cause of hazardous liquid pipeline leaks during the period January 1981 through December 1990 was external corrosion, causing 58.8 percent of all leaks. The State Fire Marshal's report also found a significant correlation between the age of a pipeline and the degree to which it experiences external corrosion and leaks.

(c) According to the State Fire Marshal's report, pipelines constructed before 1940 leaked at a rate nearly 20 times that of pipelines constructed in the 1980's. Two factors that contribute to the high-leak incidence rate in older pipes, especially those constructed before 1940, are the older coatings on the pipelines and the higher operating temperatures. For example, pre-1940 pipelines operated at an average temperature of 125°F, higher than

the average operating temperature for pipelines constructed during any other period.

(d) The State Fire Marshal's report also found all of the following:

(1) Pipelines within standard metropolitan statistical areas (SMSA) had a higher external corrosion incident rate than pipelines in non-SMSAs.

(2) Pipelines without cathodic protection, or with inadequate, older coatings, had a drastically higher frequency of external corrosion-caused leaks than protected leaks.

(3) Somewhere between 13 and 29 incidents caused by seismic activity are anticipated on regulated California hazardous liquid pipelines during a future 30-year period.

(e) Existing statutory requirements for hydrostatic pressure testing on some pipelines are helpful in locating leaks, but inadequate as a preventative measure to detect external corrosion that will eventually cause leakage.

(f) A recent investigation of pipeline regulatory programs by the Department of Fish and Game and the Office of Oil Spill Prevention and Response found that the lack of complete and easily accessible pipeline information frustrated oil spill response efforts.

(g) Therefore, it is essential for the protection of public health and safety and the environment to develop a statewide inspection, maintenance, improvement, or replacement assessment of older pipelines that are more susceptible to corrosion and leakage, and to centralize information on pipelines to aid in spill prevention planning and response efforts.

SEC. 2. Section 51012.4 is added to the Government Code, to read:

51012.4. (a) Notwithstanding any other provision of this chapter, including, but not limited to, Section 51012.3, each pipeline operator shall file with the State Fire Marshal, on or before July 1, 2000, an inspection, maintenance, improvement, or replacement assessment for the following:

(1) Any pipeline or pipeline segments built before January 1, 1960.



(2) Any pipeline installed on or after January 1, 1960, for which regular internal inspections cannot be conducted, or which shows diminished integrity due to corrosion or inadequate cathodic protection.

(b) When preparing any assessment required by subdivision (a), the operator shall give priority to older pipelines located in densely populated areas, pipelines with a high-leak history, pipelines located near existing seismic fault lines, or, pipelines in areas with identified ground formations.

(c) On or before January 1, 1998, the State Fire Marshal, in consultation with the Pipeline Safety Advisory Committee and pipeline operators, shall establish evaluation criteria for use by a pipeline operator when conducting any assessment required by subdivision (a).

(d) A pipeline inspection, maintenance, improvement, or replacement assessment developed pursuant to this section may incorporate any information on regulatory requirements or existing public policies that could act as barriers to the inspection, maintenance, improvement, or replacement of pipelines, including, but not limited to, findings from the studies required pursuant to Section 51015.05.

(e) Nothing in this section is intended to require the replacement of a pipeline.

SEC. 3. Section 51017 is added to the Government Code, to read:

51017. (a) The State Fire Marshal, in coordination with the State Lands Commission, the Division of Oil, Gas, and Geothermal Resources of the Department of Conservation, the State Water Resources Control Board, the Office of Oil Spill Prevention and Response, and the Office of Emergency Services, shall develop a plan for developing a comprehensive data base of pipeline information that would be available on compatible, interactive computer formats, and for centralizing that data base in the Office of the State Fire Marshal for emergency response purposes. The data base shall include information on pipeline locations, age, reported leak incidences, and inspection history, and shall have the



capability of mapping pipeline locations throughout the state. The data base shall be available for use by federal, state, and local government agencies, as well as the public.

(b) On or before September 1, 1997, the State Fire Marshal shall report to the Legislature on projected costs and potential funding sources for implementation of the plan for a centralized computer data base for pipeline information developed pursuant to subdivision (a).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 5. This act shall become operative only if Assembly Bill 1487 of the 1995–96 Regular Session is enacted and becomes effective on or before January 1, 1997.



Approved _____, 1996

Governor

